COURTINE



www.courtinfo.ca.gov

Courts Launch Spanish Self-Help Site

The number of Hispanic people in the United States who use the Internet now exceeds the individual online populations of many major Spanish-speaking nations (including Mexico, Spain, Argentina, and Colombia), says comScore Media Metrix, an Internet audience measurement company. And, according to the 2000 U.S. Census, of the Californians who speak Spanish at home (a quarter of the population), 13.7 percent speak English "less than well."

These statistics demonstrate the need for Web sites aimed at Californians to provide content in Spanish as well as English. The California court system is helping close the language gap with the July 28 debut of its Spanish-language self-help Web site Centro de Ayuda de las Cortes de California, at www.sucorte.ca.gov/.

"The court system is making itself more accessible because now many more litigants have the opportunity to learn about the court system in their native language," says Superior Court of Tulare County Commissioner Norma Castellanos-Perez. "In my court, more than 30 percent of litigants are Hispanic, and the vast majority of those are Spanish speaking. Without assistance available in Spanish, their access to justice is severely hindered."

WEB SITE INFORMATION

Centro de Ayuda offers:

☐ More than 800 pages of tools, resources, and links for legal assistance in the areas most needed by self-represented litigants, including family law, domestic violence, child custody and support, traffic, small claims, juvenile law, guardianship, elder law, and landlord-tenant issues;

☐ Easy-to-understand descriptions of court procedures, including information on bringing a lawsuit, responding to a lawsuit, and alternative dispute resolution;

☐ Step-by-step guides for choosing and completing the court forms that are necessary for various legal proceedings;

☐ Links to legal services organizations and lawyer referral programs where litigants can obtain legal advice and additional assistance; and

☐ Links to other Spanish-language informational sites.

Although the site provides a wealth of information, it makes no attempt to interpret the law, predict results, or provide legal advice on individual cases.

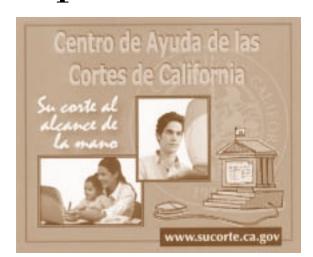
DEVELOPMENT OF THE SITE

The new Spanish-language selfhelp site mirrors each page of the English version of the California Courts self-help site at www .courtinfo.ca.gov/selfhelp/. In July 2001 the Judicial Council launched the California Courts Online Self-Help Center to enhance court users' understanding of court procedures, improve access to court services for those unable to afford an attorney, and alleviate some of the burden on counter clerks around the state. More than 140,000 visitors use the site each month.

Because the English and Spanish self-help sites will be virtually identical, court staff members and social service providers who do not read Spanish will be able to assist Spanish speakers in finding the information and forms they need to obtain court services.

TRANSLATING THE SITE

The translation of text for the self-help site is performed by a certified translator, whose work is then checked by another translator. The newly translated material is then copyedited, given a legal review by a Spanish-



speaking attorney, and finally posted to the site. Before the launch of the new Spanish site, the Administravie Office of the Courts arranged on-site tests by Spanish-speaking litigants at several court locations.

"Without translated information, litigants don't have a true understanding of the legal process," says Cristina Llop, director of ACCESS, a multilingual self-help center at the Superior Court of San Francisco County. Like Commissioner Castellanos-Perez, more than 30 percent of the litigants Ms. Llop

Continued on page 8

IN THIS ISSUE

MESSAGE FROM THE
CHIEF JUSTICE2
JUDICIAL COUNCIL
ACTION3
IN THE NEWS4
HR UPDATE5
MOVERS AND
SHAKERS5
LAW DAY REVISITED6
COLLABORATIVE
COURTS7
REGIONAL OFFICE
UPDATE8
ON LEADERSHIP9
Q&A10
CRIME AND
PUNISHMENT11
NATIONAL NEWS12
EDUCATION &
DEVELOPMENT13
RESOURCES13
COURT BRIEFS14
MILESTONES15
JUDICIAL
APPOINTMENTS15
AOC-TV GUIDE15
CALENDAR16

Judicial Council Adds Six New Members

Chief Justice Ronald M. George on June 20 announced the appointment of four judges, a court administrator, and an attorney to the Judicial Council.

The appointees are Judges Michael T. Garcia, William J. Murray, Jr., Michael Nash, and Richard Strauss; Attorney Rex S. Heinke; and Executive Officer Alan Slater, an advisory member. All the new members were appointed for three-year terms that begin on September 14, 2003.

Chaired by the Chief Justice, the Judicial Council consists of 14 members appointed by the Chief Justice, 4 attorney members appointed by the State Bar Board of Governors, 1 member from each house of the Legislature, and 6 advisory members.

Following is a summary of the new appointments.

Presiding Judge Michael
T. Garcia of the Superior
Court of Sacramento County will
replace Judge Ronald M. Sabraw
of the Superior Court of
Alameda County. Before joining

the trial court bench in 1987, Judge Garcia served in the state Attorney General's Office and other divisions of the Department of Justice (1981–1987) and as deputy district attorney in Ventura County (1974-1981). Active in Judicial Council activities, Judge Garcia is a member of the council's Trial Court Presiding Judges Advisory Committee and has participated in working groups on budget management, trial court employees, and case management. Since 1994, he has served as a leader and faculty member in programs sponsored by the Center for Judicial Education and Research (CJER) and is dean of the B. E. Witkin Judicial College of California (2002-2004).

Presiding Judge Richard Strauss of the Superior Court of San Diego County will replace Judge Gail A. Andler of the Superior Court of Orange County. Appointed to the superior court in 1995, Judge Strauss was president of the San Diego law firm Strauss, Kissane & Cook (1976–1995),



The new members of the Judicial Council are (from left): Attorney Rex S. Heinke, Akin Gump Strauss Hauer & Feld LLP; Presiding Judge Richard Strauss, Superior Court of San Diego County; Judge Michael Nash, Superior Court of Los Angeles County; and Presiding Judge Michael T. Garcia, Superior Court of Sacramento County. (Not pictured: Judge William J. Murray, Jr., Superior Court of San Joaquin County and Executive Officer Alan Slater, Superior Court of Orange County.)

where he practiced civil and business law. He also served as an Assistant U.S. Attorney General (1972–1976). Judge Strauss's Judicial Council service includes membership on the Trial Court Presiding Judges Advisory Committee and service as chair of its rules subcommittee. In addition, he participated in a working group on court security and Continued on page 7

JULY-AUGUST 2003 COURT NEWS



Chief Justice Ronald M. George

MESSAGE FROM THE CHIEF JUSTICE

New Juvenile Facility to Aid Families

Chief Justice Ronald M. George was present on June 9 at a groundbreaking ceremony for a new facility that will house San Bernardino County's juvenile dependency court and Department of Children's Services. The Chief Justice addressed those present at the ceremony, who included county judges and other elected officials, and congratulated the county on its achievement.

Following is an excerpt from the Chief's address.

am very pleased to join you here today to celebrate the groundbreaking for an innovative and muchneeded juvenile dependency facility. I want to thank Presiding Judge Michael Welch for inviting me to join you, and Court Executive Officer Tressa Kentner for her assistance.

COLLABORATIVE EFFORT

This building marks the culmination of an effective partnership between the superior court and San Bernardino County's Department of Children's Services. The result will be to meet an urgent need first publicly recognized in 1990, when then–Juvenile Court Presiding Judge Jim Edwards and Court Manager Mary Davis successfully convinced the superior court to make a new juvenile dependency court its first priority.

A concrete solution to meet that need began to develop in 1999–2000, and the next few years saw the evolution of the project, with funding allocated by the county and the decision to include the Department of Children's Services. Judge Donna Garza, former presiding judge of the juvenile court, and John Michaelson, former chief administrative officer for the county, were key to translating a priority into a reality. Presiding Judge Michael Welch and Judge Rex Victor, the present juvenile court presiding judge, are vigorously leading this effort toward completion.

The new juvenile court facility will provide concrete and essential services that will make a fundamental difference in the lives of children—the most vulnerable members of our society. It was made possible only because of the cooperation of many public officials, including members of the bench. San Bernardino is California's largest county. In fact, I believe it is the largest county in the continental United States. It encompasses deserts and mountains, cities and small, somewhat isolated communities, with a population of almost 2 million. Courthouses are situated in 15 locations around the county. The demands on the courts and on all segments of government are varied and often involve competing for limited resources.

In this instance, the members of the bench set aside parochial interests favoring projects in their individual regions and supported this countywide facility designed to serve a very significant part of the community. But the efforts of the courts alone would not have been enough. County-level efforts and a partnership with the Department of Children's Services were required in order to make this project succeed. . . .

BUILDING SERVICES

As we have heard this morning, this new building will permit all juvenile dependency court services and related support agencies to reside in one building, including the Department of Children's Services and the County Counsel's Office. Facilities also will be provided for mediations, attorney-client interviews, a children's waiting room, and a sheriff's department holding facility.

In short, this structure will be far more than a court-house in which matters are adjudicated. It will provide important additional services that will benefit those who come here. And it thus embodies the increasing emphasis of the courts on collaborating with county and other services in order to more effectively serve local communities. You have great reason to take pride in your achievement. . . .

TRIAL COURT FACILITIES

The Trial Court Facilities Act of 2002 will transfer ownership and management responsibility for California's 451 courthouses from the counties to the state. Once courts became funded by the state instead of the counties, it became logical for the state to ensure that the courts have the necessary facilities in which to conduct the public's business. We anticipate that the transition to state ownership will take place over the next few years, paid primarily through a combination of bonds and fees. But that lies in the future—and this new courthouse is a testament to the foresight and dedication of the local court and of the county government that understood the need to meet today's demands, even as we look to the changes ahead.

BUDGET CHALLENGES

Today's occasion reminds us that California's courts, while dealing with ever more restrictive budget constraints, and in cooperation with local government, have remained focused on improving the administration of justice and on offering enhanced services to meet the public's needs. Thus far, we generally have been able to cope with the budget reductions without affecting core functions. Because of the structural changes that have taken place in the judicial branch, our courts are far better positioned to maintain the services that the public needs and deserves—but our ability to continue to do so is in jeopardy as we face the constant threat of budget cutbacks.

This juvenile dependency courthouse, which facilitates the effective and efficient resolution of some of the unique problems that arise in the juvenile law area, represents an example of what courts and counties can do with foresight and creativity, even in the face of restricted resources. The great British prime minister Winston Churchill once said, "First we shape our buildings; thereafter they shape us." This structure reminds us that the administration of justice is not a theoretical abstraction but a very real presence in the lives of many individuals who rely on the courts and on all those individuals who will be working here to protect and assist them. . . .

JUVENILE COURTS

Juvenile law touches on the most fundamental of relationships—those between parent and child, siblings, and other family members. These are matters of vital importance to the individuals involved. A child is a child for a limited period of time, yet what happens in that period will have a lasting effect on the rest of his or her life. When juvenile courts become involved in the life of a child, they bear a heavy responsibility to make those events as positive as possible. How we treat our children tells much about us as a society. The configuration of this facility and the combination of entities that will be working within its walls bode well for the children of San Bernardino.

It is not surprising that San Bernardino's courts have been able to work so well with the Department of Children's Services, the board of supervisors, the county administrative officer, and others in county government to help create this facility. Over the years, members of the San Bernardino bench and court administration have played an active role in the statewide administration of justice through participation in the work of the Judicial Council and many of its advisory committees. . . .

LOCAL COURT INNOVATION

There are many other activities undertaken by the San Bernardino Court to enhance its service to the public. I shall not take the time to enumerate them, but the court has been recognized over the past 10 years by four Kleps awards, conferred by the Judicial Council for innovative programs that have enhanced the court's assistance to the public. Your court was one of the first in the state to implement a mental health court and among the first in the nation to create a drug court.

But let me return now to the reason we are gathered here today—the groundbreaking of this new building designed to house the juvenile dependency court, the Department of Children's Services, and related entities. By maintaining an excellent working relationship with the board of supervisors and the county administrative officer, as well as among the members of the bench itself, the San Bernardino court has been able to realize the goal of creating a facility ideally suited to serving the children of San Bernardino.

The residents of San Bernardino County owe a debt of gratitude to all those in the courts and in local government who worked together for the common good in producing a facility that will well serve the families and children of your county, now and far into the future, and provide a model for other courts across the state.



the California Courts Web site at www.courtinfo .ca.gov/reference /speech060903.htm. COURT NEWS ---- JULY-AUGUST 2003

Judicial Council Action

Council Adopts New, Plain-Language Jury Instructions

The Judicial Council at its July 16 meeting adopted new civil jury instructions that emphasize plain, straightforward language. The plain-English jury instructions are the most comprehensive in the nation.

In a six-year project, the council's Task Force on Jury Instructions spent hundreds of hours drafting the new instructions, which California courts may apply to civil trials in September. Current civil instructions were initially drafted in the 1930s.

"The new plain-English jury instructions are a major contribution to the Judicial Council's historic efforts to reform the California jury system," said Chief Justice Ronald M. George, who appointed the 29-member panel consisting of judges, lawyers, and other legal experts.

Rather than revise current instructions, members of the task force's civil subcommittee started anew. They used drafting principles including rules of composition developed by linguists who have analyzed the comprehensibility of jury instructions. A sample comparison of old and new instructions on the same subject demonstrates the new approach:

☐ Old: "Failure of recollection is common. Innocent mis-

recollection is not uncommon."

New: "People often forget things or make mistakes in

what they remember."

The new instructions will be posted to the California Courts Web site and be available in print and electronic formats this fall from LexisNexis Matthew Bender, the official publisher. LexisNexis is developing an interactive software program that will allow judges and attorneys to customize the new instructions to fit the facts of each case.

The statewide task force also is writing new criminal jury instructions that will be ready for approval in 2005.

CIVIL DELAY REDUCTION

At its meeting, the council also received a report from the Blue Ribbon Panel of Experts on the Fair and Efficient Administration of Civil Cases. Consisting of jurists and attorneys appointed by Chief Justice Ronald M. George, the panel was created to address problems that have arisen in connection with the implementation of the Trial Delay Reduction Act.

The act has created firm trial dates, eliminated case backlogs, and significantly reduced the time from filing to disposition of civil cases, all of which were chronic problems in the 1980s. But in implementing trial delay reduction, some courts are more flexible than others or arbitrary about trial setting, granting continuances, and the amount of time allowed for disposition of civil cases.

The panel recommended amendments to rules and standards to ensure that civil cases are considered individually on their merits and are managed in a more flexible and practical manner. The panel's proposals will be reviewed by the Civil and Small Claims Advisory Committee and then by RUPRO, which will consider whether to circulate them for comment. The council would then consider the panel's final recommendations at its October 2003 meeting.

OTHER ACTIONS:

In other actions, the council:

☐ Received an update on the initial meeting of the Rural Court Judges Working Group on Administrative and Operational Efficiency. Established in May, the principal charge of the group is to develop—for Judicial Council consideration—recommendations for rural courts concerning: how the transition to a statewide administrative infrastructure can be best accomplished; the most efficient way to provide administrative resources; and options

The Judicial Council was honored with the 2003 Burton Award for Out-

Council Honored for

New Jury Instructions

cil was honored with the 2003 Burton Award for Outstanding Reform, a national award for clear legal writing. The award recognizes the council's drafting of the new California civil



and criminal jury instructions in language that is concise and readily understood.

At a ceremony at the Law Library of Congress, Justice James D. Ward (left), vice-chair of the council's Task Force on Jury Instructions, accepted the honor from William C. Burton (right), awards program founder and former New York State Assistant Attorney General. The Burton Foundation is a not-for-profit academic organization that is dedicated to refining and enriching legal writing by both lawyers and law school students. *Photo: Marshal Cohen*

available to improve the sharing of judicial resources (e.g., judges, retired or active; subordinate judicial officers; facilities).

☐ Previewed Centro de Ayuda de las Cortes de California at www.sucorte.ca.gov, a new translation for Spanish-speakers of the English-language California Courts self-help Web site. The development and launch of the translated site is the most ambitious outreach the council has ever made to the state's Latino communities. (See Court News story on page 1.) ■

Supreme Court Changes Code of Judicial Ethics

The California Supreme Court added to the Code of Judicial Ethics new commentary on membership in private organizations. It also proposed amendments dealing with conduct of judicial candidates, sexual harassment, and financial disclosure.

MEMBERSHIP IN PRIVATE ORGANIZATIONS

The court unanimously approved new language in the commentary to canon 3E, which explains that even if membership in an organization is permitted under the code, in some instances a judge still may be required to disqualify himself or herself in a particular case or to disclose his or her membership on the record.

The additional commentary was made part of the code in response to requests from the Bar Association of San Francisco, the Santa Clara County Bar Association, the Los Angeles County Bar Association, and the Alameda County Bar Association. These groups had suggested that the code should be modified in light of Boy Scouts of America v. Dale (2000) 530 U.S. 640, in which the U.S. Supreme Court held that the

Boy Scouts of America is a private expressive association and that the state therefore may not prohibit the organization from discriminating against homosexuals in its membership policies.

Canon 2C of the Code of Judicial Ethics first states that judges may not belong to organizations that practice "invidious discrimination on the basis of race, sex, religion, national origin, or sexual orientation." Canon 2C continues to say that it does not bar membership in a nonprofit youth organization so long as that membership does not violate canon 4A-which requires a judge to conduct all extrajudicial activities in a manner that does not cast reasonable doubt on the judge's ability to act impartially or demean the judicial office.

NEW COMMENTARY

In determining the appropriate response to the bar associations' requests, the California Supreme Court reviewed materials from varied groups and individuals, policies adopted by other states, ethics opinions from other jurisdictions, treatises, and law review articles, and it consulted with the Supreme Court Advi-

sory Committee on Judicial Ethics. In addition, the court considered the potential impact of the U.S. Supreme Court's decision in *Republican Party of Minnesota v. White* (2002) 536 U.S. 765, which discussed the application of First Amendment protections in the context of restrictions imposed on judicial conduct by a Minnesota canon of ethics.

The court concluded from its evaluation that changes to the canons were not required but that additions to the commentary were appropriate. The new language in the commentary to canon 3E explains that, even when membership in a particular organization is permitted, the judge still should disqualify himself or herself in a particular case when doing so would be appropriate. Even if the judge believes there is no basis for disqualification, the judge should disclose the membership to the parties or their lawyers if the judge believes they may consider it relevant to the question of disqualification.

PROPOSED AMENDMENTS FOR COMMENT

In response to recommendations

by the Supreme Court Advisory Committee, the California Supreme Court is circulating for comment proposed amendments and other additions to the Code of Judicial Ethics. The amendments concern changes in three subject areas: (1) whether any changes to California's canon 5B (relating to speech by judicial candidates and prohibiting a candidate from making statements that may commit him or her to a particular outcome in a case) are necessary in light of the U.S. Supreme Court's decision in Republican Party of Minnesota v. White (2002) 536 U.S. 765which held that a canon that prohibits a judicial candidate from "announc[ing] his or her views on disputed legal or political issues" violates the First Amendment; (2) whether the existing canons are sufficiently explicit in prohibiting sexual harassment; and (3) when ownership of corporate bonds may require disqualification of a judge.

To see the proposed amendments and a comment form, visit www.courtinfo.ca.gov/invitationstocomment/. To view the Code of Judicial Ethics, visit www.courtinfo.ca.gov/rules/appendix/appdiv2.pdf. ■

New Rules of Court

At its April 15, 2003, business meeting, the **Judicial Council made** changes to California Rules of Court that address appellate, criminal, family, civil and small claims, and judicial administration law. Of special interest are new rules concerning limitedscope representation and electronic access to court calendars, indexes, and registers of action.

The Administrative Office of the Courts (AOC) in May sent court leaders the full text of the amendments and new rules, as well as a summary. The changes, which went into effect July 1, are listed by topic and rule number at www.courtinfo.ca.gov/rules/amendments/jul 2003.pdf.

● For more information, contact
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